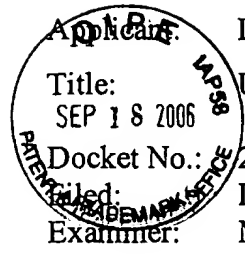


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF
JW



Applicant: David J. Wilson

Title: USER EVALUATION OF CONTENT ON DISTRIBUTED COMMUNICATION NETWORK

Docket No.: 2043.060US1

Serial No.: 09/731,019

Filed: December 7, 2000

Due Date: September 13, 2006

Examiner: Marc D. Thompson

Group Art Unit: 2144

MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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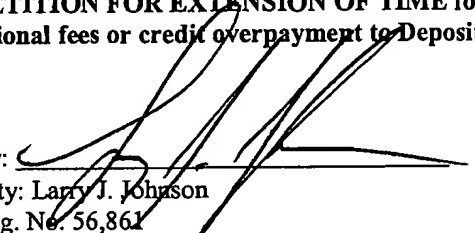
☒ Appellant's Reply Brief Under 37 C.F.R. § 41.41 (4 pgs.).

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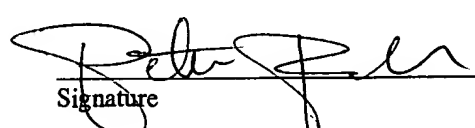
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S/09/731,019

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David J. Wilson	Examiner:	Marc Thompson
Serial No.:	09/731,019	Group Art Unit:	2144
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Title:	USER EVALUATION OF CONTENT ON DISTRIBUTED COMMUNICATION NETWORK		

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

This brief is presented in response to the Examiner's Answer, dated July 13, 2006, which was sent in answer to Appellant's Brief, filed on May 3, 2006. Appellant's Brief on Appeal was filed in response to the final rejection of pending claims 1-2 and 7-17 of the above-identified patent application.

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APPELLANT'S REPLY

The Appellant has reviewed the Answer, and respectfully believes the statements in the original Appeal Brief remain accurate and compelling. In responding to the Answer, the Appellant would like to further explore a selected few of the points raised by the Office. The corresponding section and page numbers in the Answer will be used to reference each of these points. Each point will be addressed in the order found in the Answer. Points not discussed herein are presumed to be persuasively covered in the Appellant's prior Office Action Responses and Appeal Brief, and are in no way conceded to with respect to the Examiner's Answer or prior Office Actions.

With respect to addressing the "Nowthis.com" reference on page 11 of the Answer, the Examiner submits the Nowthis reference, "clearly disclosed the claimed concept of displaying a count of indications that a user...a person has found a review helpful." However, this reference is merely a blog quote illustrating a possible result of some unknown process. Nowthis clearly does not provide any teachings pertaining to the claimed elements. Thus, the issue here is the reference does not teach the identical invention in as complete detail as is contained the claim. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131. Because Nowthis blog quote merely speculates as to a result that may be displayed on a user interface, it therefore does not teach the identical invention in as complete detail as in the claimed elements.

Additionally, Nowthis does not teach each and every claim element arranged as in the claim. "Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). As mentioned, Nowthis is a blog quote illustrating a result of some unknown process. As such, it cannot possibly teach each and every claim element arranged as in the independent claim.

Regarding Issue 2, page 14 of the Answer, the Examiner states that, "a 'product/service

review' as argued is not defined in the claim, and that such a broad limitation is read upon by the teachings of the Salas reference. However, the Salas reference teaches a user interface configured to accept typed in question(s) that another user may respond to via the user interface in a "yes" or "no" vote (Col. 16, lines 21-25, see Figure 10). In other words, "yes" and "no" votes are based responding to a user defined and inputted question and not, "providing an interactive element associated with each of the displayed reviews on the client display, which when clicked by a user, indicates that the user has found a displayed review associated with a product/service helpful in determining whether or not to purchase or use the product/service," as recited in claim 1. As such, the typed in questions of Salas do not read on the plain meaning of "a product/service review" as indicated in the Examiner's Answer.

Additionally, on page 14 of the Answer, the Examiner has suggested the Appellant on page 14 of the Appeal Brief has attempted to argue the references individually to show non-obviousness. However, at the bottom of page 13 of the Appeal Brief the Appellant made it clear that the cited references do not teach or suggest all the claim limitations. Such an argument necessarily requires an individual examination of each reference to clearly point out that each reference, alone or in combination, does not teach or suggest all claim limitations, of which they do not (See Appeal Brief pages 13-15 for analysis).

As mentioned above, points not discussed herein are presumed to be persuasively covered in the Appellant's prior Office Action Responses and Appeal Brief.

CONCLUSION

Appellant respectfully submits the claimed invention is patentable over the cited art.

Reversal of the claim rejections is respectfully requested.

The Examiner is invited to telephone Appellant's attorney at 408-278-4045 to facilitate prosecution of this application.

Respectfully submitted,

DAVID J. WILSON

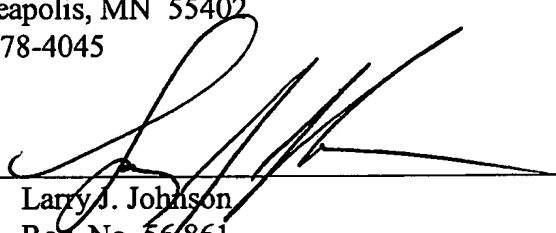
By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4045

Date

9/13/2006

By


Larry J. Johnson
Reg. No. 56,861

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Name

Peter Robuffoni

Signature

